

REMARKS

Claims 1-9 and 11-22 are currently pending in the application. By this response, no claims are amended, added, or canceled. By the present remarks, Applicants submit that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

Interview Summary

Applicants thank Examiner Ferguson for the courtesy extended during a telephone interview between the Examiner and Applicants' representative on December 13, 2007. In the interview, the finality of the previous Office Action was discussed. The Examiner agreed to withdraw the finality of the previous Office Action and issue a new non-final Office Action.

35 U.S.C. §112 Rejection

Claim 4 is rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite. This rejection is respectfully traversed.

The Examiner asserts that claim 4 is indefinite because it recites "for gluing fibers of the support board." More specifically, the Examiner asserts that there is insufficient antecedent basis for this limitation in the claim, as the term fiber has been deleted from claim 1. Applicants respectfully disagree.

Claim 4 does not refer to *the fibers* or *said fibers*, but rather refers to *fibers*. In other words, claim 4 sets forth the first recitation of fibers, and appropriately refers to the recited fibers without using the words "the" or said." Therefore, the phrase does not require antecedent basis in claim 1.

In any event, Applicants note that the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. *Energizer Holdings Inc. v. Int'l Trade Comm'n*, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006). Even assuming *arguendo* that the Examiner is correct and the recited phrase does lack explicit antecedent basis (which Applicants do not admit), Applicants submit that the scope of the recitation is reasonably ascertainable by those skilled in the art when viewed in light of the teachings of the specification and the prior art.

As Applicants are unclear as to why the Examiner feels that the phrase lacks antecedent basis, Applicants respectfully request, if the rejection is maintained in the next Office Action, that the Examiner suggest language for overcoming the problem.

Accordingly, Applicants respectfully request that the §112, second paragraph, rejection of claim 4 be withdrawn.

35 U.S.C. §103 Rejection

Claims 1-3, 8-9, 16-19, and 20-21 are rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Patent No. 6,006,486 issued to Moriau et al. ("Moriau"). Moreover, claims 4-7 are rejected under 35 U.S.C. §103(a) for being unpatentable over Moriau in view of U.S. Patent No. 5,855,832 issued to Clausi et al. ("Clausi"). These rejections are respectfully traversed.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. (See MPEP §2142.) To establish a *prima facie*

case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.¹ Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants submit that no proper combination of the applied art teaches or suggests each and every feature of the claimed invention.

Claims 1-3, 8-9, and 16-21 in view of Moriau

Independent claim 1

The present invention relates to a panel that is usable in laminate flooring. More specifically, independent claim 1 recites:

1. A panel having a support board made of glued and compressed woodbased material to which a termination layer is applied in each case on a top side and an underside, and the termination layer of the top side has a structured surface, wherein the density on the top side of the support board is lower than the density of the support board on the underside.

The Examiner asserts that Moriau discloses such a panel in lines 5-6 and 66-67 of column 1, lines 26-38 of column 3, lines 1-11 of column 9, and FIGS. 2-11. More specifically, the Examiner contends that Moriau discloses a decorative top layer that is interpreted as having a structured surface. Furthermore, the Examiner explains “[b]ecause [Moriau’s] compressed

¹ While the *KSR* court rejected a rigid application of the teaching, suggestion, or motivation (“TSM”) test in an obviousness inquiry, the [Supreme] Court acknowledged the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does” in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, --- U.S. ---, 127 S.Ct. 1727, 1731 (2007)).

material is made of medium density fiberboard and made of glued and compressed woodbased material, it is expected for the density of the top side of the support board to be lower than the density of the underside of the support board ... absent any evidence to the contrary. Moreover, although claim 1 is rejected under §103, the Examiner does not suggest any modification of Moriau.

Applicants disagree that the claimed invention is rendered unpatentable in view of Moriau. More specifically, Applicants submit that the rejection is improper for the following reasons: (i) Moriau does not disclose or suggest the termination layer of the top side has a structured surface; (ii) Moriau does not disclose or suggest the density on the top side of the support board is lower than the density of the support board on the underside; and (iii) the Examiner has failed to establish a *prima facie* case of obviousness.

(i) Moriau does not disclose or suggest the termination layer of the top side has a structured surface.

Contrary to the Examiner's "interpretation," Moriau does not disclose or suggest a panel having a support board made of glued and compressed woodbased material to which a termination layer is applied in each case on a top side and an underside, where the termination layer of the top side has a structured surface. Instead, Moriau discloses a conventional floor panel having core 8 made of MDF or HDF. A decorative layer 55 is applied to the top side of the core 8, and a protective layer 56 is applied over the decorative layer. As is common in the art, the decorative layer 55 is a resin-impregnated paper layer with a pattern printed on the paper to resemble, for example, wood grain. Also, the protective layer 56 is a layer of transparent resin.

However, neither decorative layer 55 nor protective layer 56 has a structured surface, as recited in claim 1. There is no indication in Moriau that either layer 55 or 56 has a structured

surface. Instead, in all of Moriau's drawings, layer 56 is shown as smooth. In contrast to Moriau, embodiments of Applicants' invention comprise a termination layer having a structured surface. An exemplary embodiment of the structured surface is shown in Applicants' FIG. 1, reproduced below:

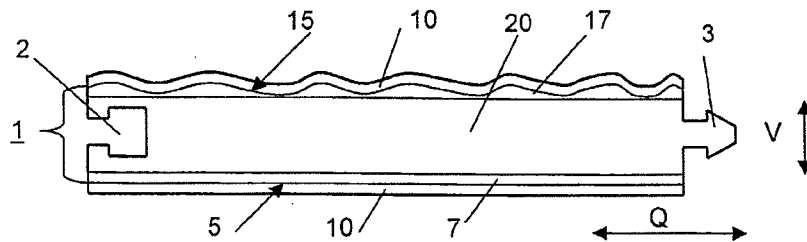


Fig. 1

As can be seen from Applicants' FIG. 1, embodiments of the invention include an upper termination layer having depressions formed therein. Such depressions result in a surface in which some portions are relatively low and other portions are relatively high. As such, the termination layer is said to have a structured surface. As explained in Applicants' specification, the structure may be provided by a stamping operation during coating with the termination layer. Moriau, on the other hand, does not suggest such a structured surface, but rather only shows a smooth top layer 56. Therefore, Moriau does not disclose or suggest the termination layer of the top side has a structured surface, as recited in claim 1.

(ii) Moriau does not disclose or suggest the density on the top side of the support board is lower than the density of the support board on the underside.

Further contrary to the Examiner's "expectation," Moriau does not disclose or suggest a panel having a support board in which the density on the top side of the support board is lower than the density of the support board on the underside, as additionally recited in claim 1. Moriau provides no description regarding the relative densities of portions of the core 8. Instead, Moriau

only generally discloses that the core 8 is composed of MDF or HDF. However, without any additional description regarding the core 8, it is impossible to glean from Moriau that the density at the top side of the core 8 is lower than the density at the underside of the core 8. Therefore, Moriau does not disclose or suggest a panel having a support board in which the density on the top side of the support board is lower than the density of the support board on the underside, as additionally recited in claim 1.

(iii) The Examiner has failed to establish a prima facie case of obviousness.

Applicants further submit that the rejection is improper and should be withdrawn because the Examiner has failed to properly establish a *prima facie* case of obviousness. It is well established that the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness (see, e.g., MPEP §2142). To establish a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974); see also, *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). If the prior art reference (or references) do not teach or suggest all of the claim limitations, Office personnel must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art (MPEP 2141).

In the instant rejection, the Examiner turns the concept of a *prima facie* case of obviousness on its head. Instead of identifying the claimed features in the applied reference, the Examiner asserts that the features are “expected [to be present] ... absent any evidence to the contrary” (Office Action, page 4). Put another way, the Examiner failed to perform either fact-finding function of (i) identifying the claimed features in the applied art, or (ii) explaining why

the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. However, as mandated by the Supreme Court and subsequently adopted in MPEP 2141.02, this type of conclusory rejection is improper:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

In the instant rejection, the Examiner fails to provide any articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Instead, the Examiner merely concludes, without any factual basis whatsoever, that the features of the claimed invention are "expected [to be present in Moriau] ... absent any evidence to the contrary." The Examiner apparently believes that Applicants are required to provide evidence to prove what is not disclosed by Moriau. This is clearly improper in light of the *KSR* holding and the above noted passages of the MPEP. Therefore, the rejection is improper and should be withdrawn.

To the extent that the Examiner might be basing the rejection on a determination of inherency (i.e., that the claimed density features are inherently present in Moriau), Applicants submit that the statement "it is expected ... absent any evidence to the contrary" is woefully inadequate to support a finding of inherency. MPEP §2112 provides the following guidance regarding rejections based upon inherency:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of

conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). [emphasis added].

...

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)

Applicants respectfully submit that the statement that "it is expected ... absent any evidence to the contrary" does not provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Particularly, the Examiner has failed to explain why it is expected that Moriau's core 8 would have a lower density at its top side than at its underside. Therefore, to the extent that the rejection might be based upon inherency, Applicants traverse such a determination of inherency and request that the Examiner provide in the next Office Action a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

For all of the above-noted reasons, Applicants submit that Moriau does not disclose or suggest all of the features of independent claim 1, and that the Examiner has failed to adequately explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. Therefore, Moriau does not render unpatentable the invention recited in claim 1.

Claims 2, 3, 8, and 9 depend from allowable independent claim 1, and are allowable at least for the reasons discussed above with respect to the independent claim. Moreover,

Applicants submit that the applied art does not disclose or suggest many of the features recited in these dependent claims.

Claims 2 and 3

Claim 2 depends from independent claim 1, and additionally recites the support board has a density of less than 700 kg/m^3 . Claim 3 depends from independent claim 1, and additionally recites a gluing factor of the support board is greater than 10%. The Examiner asserts that density and gluing factor are optimizable features, and that “in the absence of any evidence to the contrary it would have been obvious to one of ordinary skill in the art to optimize layers of a panel because discovering the optimum or workable range involves only routine skill in the art.” Applicants disagree.

Applicants submit that Moriau does not disclose or suggest that core 8 has a density of less than 700 kg/m^3 , or that a gluing factor of the core 8 is greater than 10%. In fact, Moriau is completely silent with respect to these parameters, and does not even discuss density or gluing factor values. Nor has the Examiner identified any passage in Moriau that teaches such features. Instead, the Examiner merely asserts that the claimed features would have been obvious through discovering an optimum or workable value.

As with independent claim 1, Applicants argue that the rejection of claims 2 and 3 is improperly conclusory because it is not factually supported. For example, the Examiner has failed to provide any reasoning regarding exactly what the scope of routine experimentation encompasses in the art of floor panels, such as that disclosed by Moriau. Moreover, the Examiner has failed to provide any reasoning that explains how, given Moriau as a starting point, the claimed density and gluing factor are within the scope of routine experimentation. This type of rejection is clearly improper since the Supreme Court has held that rejections on obviousness

grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. _____ (2007), quoting *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006).

In addition to the arguments set forth above, Applicants further submit that the rejection is unsustainable because the Examiner has not resolved the level of ordinary skill in the art, as required by *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), which states:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. *Id at 17*.

As the applied reference (Moriau) fails to disclose all of the claimed features, the underpinning of the rejection rests upon what would have been obvious to one having ordinary skill in the art at the time the invention was made. However, Applicants note that the Examiner fails to resolve the level of ordinary skill in the pertinent art as set forth in MPEP 2141:

Any obviousness rejection should include, either explicitly or implicitly in view of the prior art applied, an indication of the level of ordinary skill. A finding as to the level of ordinary skill may be used as a partial basis for a resolution of the issue of obviousness.

The person of ordinary skill in the art is a hypothetical person who is presumed to have known the relevant art at the time of the invention. Factors that may be considered in determining the level of ordinary skill in the art may include: (1) "type of problems encountered in the art;" (2) "prior art solutions to those problems;" (3) "rapidity with which innovations are made;" (4) "sophistication of the technology; and" (5) "educational level of active workers in the field. In a given case, every factor may not be present, and one or more factors may predominate." *In re GPAC*, 57 F.3d 1573, 1579, 35 USPQ2d 1116, 1121 (Fed. Cir. 1995); *Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc.*, 807 F.2d 955, 962, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986); *Environmental Designs, Ltd. V. Union Oil Co.*, 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983).

In the instant rejection, the Examiner fails to resolve the level of ordinary skill in that art. That is, the Examiner does not explicitly or implicitly provide an indication of what is considered as the level of ordinary skill in the art. For example, the Examiner does not address any one of the factors discussed in the above-noted passages of MPEP 2141. Instead, the Examiner merely contends that density and gluing factor are optimizable features, and that the invention is therefore obvious based upon discovering an optimum value of a results effective variable.

Applicants respectfully disagree and submit that, without first resolving the ordinary level of skill in the pertinent art, one cannot objectively conclude that it would have been obvious to modify Moriau as asserted by the Examiner. Put another way, without ascertaining the ordinary level of skill in the art, it cannot objectively be said that it would have been obvious to modify Morriau's core 8 to have a density of less than 700 kg/m^3 , or a gluing factor of greater than 10%. For example, there is no evidence in the record that Applicants' claimed density and gluing factor values are even within the technical grasp of a person having ordinary skill in the art at the time the invention was made.

Therefore, for all of the above noted reasons, Applicants submit that the rejection of claims 2 and 3 are improper and should be withdrawn.

Claim 9

Claim 9 depends indirectly from independent claim 1, and additionally recites a density of 1000 kg/m^3 is present on the underside of the support board, while a density of from 400 kg/m^3 to 600 kg/m^3 is present in the center of the support board. Applicants submit that: (i) the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 9 because the rejection does not address this claim, and (ii) the applied art (i.e., Moriau) does not disclose or suggest the features recites in claim 9.

First, Applicants note the Office Action contains no explanation of how the applied art renders claim 9 unpatentable. In fact, other than generally stating that “[c]laims 1-3, 8-9, 16-19, and 20-21 are rejected” at page 3, the Office Action contains no mention of claim 9 at all. However, MPEP §2143.03 states: “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Moreover, 37 C.F.R. §1.104 states: “[t]he examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed ...” (emphasis added). Additionally, MPEP §707.07(d), states that “[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” In this case, claim 9 recites numerous features that are not even addressed in the Examiner’s explanation of the rejection.

Second, and in any event, Applicants submit that the applied art does not disclose or suggest all of the features recited in claim 9. That is to say, Moriau does not disclose or suggest a panel having a support board in which a density of 1000 kg/m^3 is present on the underside of the support board, while a density of from 400 kg/m^3 to 600 kg/m^3 is present in the center of the support board. Nor has the Examiner identified any such features in Moriau. Nor has the Examiner explained (using articulated reasoning with rational underpinning to support the legal conclusion of obviousness) why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. Therefore, the rejection of claim 9 is improper and should be withdrawn.

Independent Claim 16

Independent claim 16 recites:

16. A panel, comprising:
 a support board composed of glued, compressed woodbased material,
 having a top side and an underside;
 a first termination layer provided on the top side;
 a second termination layer provided on the underside,
 wherein the density of the support board continuously decreases from the
 top side to a substantial midpoint of the support board, and continuously
 decreases from the underside to the substantial midpoint.

As with claim 1, the Examiner does not identify any disclosure by Moriau of the density of core 8, and fails to suggest any modification of Moriau, but rather merely states that “it is expected ... for the density of the core to decrease from the top side and decrease from the underside to a substantial midpoint.” Applicants incorporate by reference the arguments set forth *supra* with respect to claim 1. Generally speaking, and in accordance with those arguments, Applicants submit that Moriau does not disclose or suggest the features recited in claim 16 and the Examiner has failed to establish a *prima facie* case of obviousness.

More specifically, Moriau makes no mention whatsoever of the density of the core 8. As such, Moriau cannot reasonably be interpreted to disclose or suggest the density of the support board continuously decreases from the top side to a substantial midpoint of the support board, and continuously decreases from the underside to the substantial midpoint, as recited in claim 16.

Moreover, the Examiner’s statement that “it is expected ...” does not establish a *prima facie* case of obviousness because the Examiner fails to factually support the rejection. Furthermore, the Examiner fails to explain (using articulated reasoning with rational underpinning to support the legal conclusion of obviousness) why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.

Claims 17-21 depend from allowable independent claim 16, and are allowable at least for the reasons discussed above with respect to the independent claim. Moreover, Applicants submit

that the applied art does not disclose or suggest many of the features recited in these dependent claims.

Accordingly, Applicants respectfully request that the §103 rejection of claims 1-3, 8-9, and 16-21 be withdrawn.

Claims 4-7 in view of Moriau and Clausi

Claims 4, 5, and 7

Claims 4, 5, and 7 depend from allowable independent claim 1, and are allowable at least for the reasons discussed above with respect to claim 1. More specifically, as discussed above, Moriau fails to disclose or suggest the termination layer of the top side has a structured surface, or the density on the top side of the support board is lower than the density of the support board on the underside.

Clausi does not compensate for the deficiencies of Moriau with respect to claim 1. That is to say, Clausi does not disclose or suggest the termination layer of the top side has a structured surface, or the density on the top side of the support board is lower than the density of the support board on the underside. Instead, Clausi merely discloses a method of molding powdered plant fiber into high density materials that utilizes a resin binder (e.g., urea formaldehyde, melamine formaldehyde, etc.).

Therefore, the applied references fail to disclose or suggest all of the features of independent claim 1, and (by definition) claims 4, 5, and 7 that depend from claim 1. Accordingly, the rejection of claims 4, 5, and 7 is improper and should be withdrawn.

Independent Claim 6

Independent claim 6 recites:

6. A panel having a support board made of glued and compressed fiber material to which a termination layer is applied in each case on a top side and an underside, and the termination layer of the top side has a structured surface, wherein the density on the top side of the support board is lower than the density of the support board on the underside, and isocyanates are used as a means for gluing woodbased materials of the support board, and further comprising a gluing factor of less than 20% for isocyanates.

Applicants incorporate by reference and repeat the arguments set forth *supra* with respect to claim 1. That is to say: (i) Moriau does not disclose or suggest the termination layer of the top side has a structured surface; (ii) Moriau does not disclose or suggest the density on the top side of the support board is lower than the density of the support board on the underside; and (iii) the Examiner has failed to establish a *prima facie* case of obviousness.

Moreover, Applicants repeat the arguments previously made with respect to claims 2 and 3. More specifically, the rejection is conclusory in nature, and the Examiner has failed to resolve the level of ordinary skill in the pertinent art.

For all of these reasons, Applicants submit that the rejection of claim 6 is improper. Accordingly, Applicants respectfully request that the §103 rejection of claims 4-7 be withdrawn.

Rejoinder of Withdrawn Claims

Applicants respectfully submit that claim 22 is a linking claim in accordance with MPEP §809.03. More particularly, claim 22 includes the process limitations of claim 11 and depends from product claim 1, thereby linking the process and the product. Therefore, pursuant to MPEP §821.04, rejoinder of withdrawn claims 11-15 is proper since the elected “panel invention” is allowable, and all claims to the non-elected “process invention” depend from or otherwise

require all the limitations of an allowable claim (i.e., allowable claim 22 includes all of the features of claims 1 and 11).

Accordingly, Applicants respectfully request that claims 11-15 be rejoined, and claims 1-9 and 11-22 be allowed.

CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
Thomas GRAFENAUER

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', is written over a horizontal line.

Andrew M. Calderon
Reg. No. 38,093

March 7, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191